

Message Text

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PAGE 01 EC BRU 00431 171717Z

62

ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07

FRB-01 INR-07 NSAE-00 RSC-01 CIEP-01 SP-02 STR-01

TRSE-00 LAB-04 SIL-01 SAM-01 OMB-01 L-02 PA-01 USIA-06

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FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 8122

INFO ALL EC CAPITALS 239

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E.O. 11652: N/A

TAGS: EIND, ETRD, EEC

SUBJECT: BELGIUM STILL HOLDING OUT ON EC PHARMACEUTICAL HARMONIZATION DRAFT DIRECTIVE

REF: EC BRUSELS 10151

1. ACCORDING TO COMMISSION AND PERMREP SOURCES, BELGIUM CONTINUES TO HOLD OUT AGAINST APPROVAL OF THE SECOND EC DRAFT DIRECTIVE ON PHARMACEUTICALS (SEE REFTEL). THE SUBJECT IS NOW EXPECTED TO BE ON THE AGENDA OF THE EC FOREIGN MINISTERS COUNCIL OF FEBRUARY 10, AND BELGIUM WILL HAVE TO DEFEND ITS POSITION.

WE UNDERSTAND MUCH OF THE BELGIAN RESISTANCE STEMS FROM PRESSURE FROM THE BELGIAN PHARMACISTS' LOBBY. BELGIAN PHARMACISTS SEE THEIR MONOPOLY OVER THE SUPERVISION OF PHARMACEUTICAL PRODUCTION THREATENED BECAUSE THE DRAFT DIRECTIVE RECOGNIZES THAT NON-PHARMACISTS MAY SUPERVISE PHARMACEUTICAL PRODUCTION IF AUTHORIZED BY REGULATIONS IN THE MEMBER STATES.

2. THE ARGUMENT BELGIAN OFFICIALS ARE ACTUALLY

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PAGE 02 EC BRU 00431 171717Z

ADVANCING IS THAT THE PROPOSED DRAFT DIRECTIVES, AS THEY

INTERPRET IT, DOES NOT ALLOW MEMBER STATES TO CONTROL THE NUMBER OF PHARMACEUTICAL PRODUCTS ON THE MARKET FOR A SPECIFIC USE. THEY ARGUE THE DANGER OF FLOODING AND ALSO A TENDENCY OF DOCTORS TO PRESCRIBE HIGH PRICE PRODUCTS WHICH THE SOCIAL SECURITY SYSTEM WILL HAVE TO PAY FOR. OTHER MEMBER STATES AND THE COMMISSION COUNTER THAT THE DRAFT DIRECTIVE ALLOWS MEMBER STATES TO REFUSE MARKETING LICENSES OR CANCEL EXISTING LICENSES BY APPLYING "EFFECTIVENESS" CRITERIA. OF COURSE, SUCH CRITERIA MUST NOT BE USED TO COVER NATIONAL DISCRIMINATION. GREENWALD

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